

REMARKS

Please reconsider the present application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-5 are pending in this application. Of these, claims 1 and 2 are independent. The remaining claims are directly dependent on claim 2.

Claim Amendments

By way of this reply, claims 1 and 2 have been amended to make a minor clarification to the claimed invention. No new matter has been added by way of these amendments. Support for these amendments may be found, for example, in Figure 6 and in paragraphs [0044]-[0045] of the published application. Because the proposed amendments merely clarify the invention consistent with the earlier presented arguments, entry thereof is requested.

Rejection under 35 U.S.C. § 103

Claims 1-5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2005/0152686 ("Takashimizu") in view of U.S. Patent No. 5,566,906 ("Lett") and U.S. Patent No. 6,897,904 ("Potrebic"), and further view of U.S. Patent No. 5,592,551 ("Goldstein"). As discussed above, by way of this reply, independent

claims 1 and 2 have been amended to clarify the claimed invention. To the extent that this rejection may still apply to independent claims 1 and 2, as amended, the rejection is respectfully traversed for the reasons set forth below.

One or more embodiments of the claimed invention are directed to a recording function of digital broadcast receiving and recording apparatus, and more specifically directed to an improvement of a so-called time shift recording function. The time shift recording can be used to record *concurrently with a part of an entire broadcasting program that the user is actually viewing*, for user's convenience. However, in conventional digital broadcast receiving and recording apparatus, if a user changes a channel for some reason in the middle of the time shift recording, the target channel for recording is also changed with or without the user's intention. As a result, it had often happened that an undesired program was recorded between the programs the user actually desired to record, and it was unexpectedly annoying to the user. One or more embodiments of the claimed invention employs control logic of a digital broadcast receiving and recording apparatus so as to automatically prevent that an undesired channel is accidentally recorded, even if the user changes the channel in the middle of the time shift recording. This advantageous feature of the claimed invention has been further clarified in the amendments to independent claims 1 and 2, by way of this reply.

Accordingly, independent claims 1 and 2, as amended, includes, in part, "a control section adapted to control the recording section to start recording the selected channel according to an operation for selecting a channel *to be viewed*, and wherein *if the selected channel to be viewed is not included in the favorite channel map, the control section does not start recording the selected channel against the operation to the apparatus except the selected channel is not changed over a predetermined time from a time selected.*" Thus, the claimed

invention requires that *the selected channel is actually in the condition to be viewed and, concurrently, the recording section start recording the channel* except under specific conditions so that an undesired channel cannot be accidentally recorded.

Applying this control logic for the time shift recording function, the claimed invention can improve usability of the apparatus for auditing and recording digital broadcast programs. In other words, the advantageous feature of the claimed invention can never be constituted without the base logic in which *"the selected channel is actually in the condition to be viewed and, concurrently, the recording section start recording the channel."*

In contrast, Takashimizu discloses a digital broadcast receiving and recording apparatus. Lett discloses a subscription television system for editing and displaying an electronic guide data on a screen. Potrebic discloses a device for tuning a particular channel among multiple tuners. However, as the Examiner acknowledges, Takashimizu, Lett, and Potrebic, whether considered separately or in combination, fail to teach or suggest any control logic for preventing a specific operation being performed *if the selected channel to be viewed is not included in the favorite channel map*, as required by the claimed invention.

However, on page 5 of the final Office Action, the Examiner asserts that Goldstein teaches initiating recording of a channel which is either in a favorite channel map or viewed on a frequent basis and, thus, incorporating Goldstein's conditions for initiating the recording of a channel with the second tuner taught by Potrebic, which would not record the newly tuned channel by default results in "if the selected channel is not included in the favorite channel map, the control section does not start recording the selected channel against the operation to the apparatus except the selected channel is not changed over a predetermined time from a time selected." Applicant respectfully disagrees.

Goldstein discloses a remote controlling device to store a user's favorite channel for recording and/or watching. However, Goldstein is completely silent with respect to the feature "*the selected channel is actually in the condition to be viewed and, concurrently, the recording section start recording the channel.*" Instead, Goldstein merely shows a functionality of storing information for alternatively recording or watching a specific program (See, for example, column 26, lines 17-25 and 54-56 of Goldstein).

In fact, as discussed above, an advantageous feature of the claimed invention is to prevent that an undesired channel is accidentally recorded, even if the user changes the channel in the middle of the time shift recording in which recording and viewing operations are concurrently performed. However, such a feature of the claimed invention can never be constituted by incorporating the feature shown by Goldstein, that is, merely storing information about a user's favorite channel for recording and/or watching into the feature shown by Potrebic for tuning a particular channel among multiple tuners.

Accordingly, Takashimizu, Lett, Potrebic, and Goldstein, whether considered separately or in combination, fail to teach or suggest any control logic for preventing a specific operation being performed *if the selected channel to be viewed is not included in the favorite channel map*, as required by the claimed invention.

Further, Applicant respectfully asserts that the Examiner, using the present application as a guide, has selected isolated features of the relied-upon references to arrive at the limitations of the claimed invention. Use of the present application as a "road map" for selecting and combining prior art disclosures is wholly improper. See *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132 (Fed. Cir. 1985). In this case, unlike the present invention, neither Goldstein nor Potrebic addresses any issue related to automatically preventing that an undesired channel is accidentally recorded even if the user changes the channel in the middle of the time

shift recording. Thus, there is no reason to combine the features of Goldstein and Potrebic as suggested without our claims as a guide.

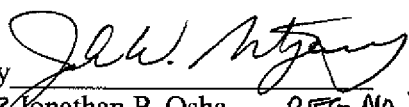
In view of the above, independent claims 1 and 2 are patentable over Takashimizu, Lett, Potrebic, and Goldstein because, whether considered separately or in combination, the references fail to teach or suggest all of the limitations of the claims. By virtue of their dependence, claims 3-5 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 04995/107001).

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Respectfully submitted,

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